

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

STATE OF ALASKA,

Plaintiff,

vs.

DEANTHONY MALIK HARRIS,

Defendant.

A-13950
Case No. 3AN-16-09996 CR
Fl Ci 1-27-22

BAIL ORDER

On October 28, 2021, the Court of Appeals of the State of Alaska entered an order remanding this case for reconsideration of Mr. Harris's bail proposal, including a proposed third-party custodian and the amount of monetary bail.

Defendant, DeAnthony Malik Harris, was indicted on January 4, 2017 on seven counts, including two counts of murder in the first degree, four counts of murder in the second degree, and one count of robbery in the first degree, in connection with the shooting deaths of Christopher and Danielle Brooks.

According to the charging documents, Mr. Harris and two other men entered the Brooks's residence with shirts covering their faces, intending to steal drugs or money, ultimately resulting in the shooting deaths of Christopher and Danielle Brooks.

In an interview with police, one of the co-defendants, Mr. Jaylyn Franklin, provided a description of the events. According to his description of events, two other men approached Mr. Franklin and Mr. Harris and proposed a plan to make money by

stealing drugs and money from the victim. They acquired t-shirts to cover their faces and gloves to wear for the robbery. Then during the course of the robbery, Mr. Brooks began wrestling with one of the other codefendants, Mr. Lemarkus Mann, who was demanding money and drugs. Mr. Harris appeared to try to help Mr. Mann during the melee. During the altercation, Mr. Harris was shot in the leg and Mr. Franklin reports that Mr. Mann shot Mr. Brooks several times before shooting Ms. Brooks from about 5 feet away. The Brooks's child was at home during the events.

This Court conducted a bail hearing on May 26, 2021 to evaluate Mr. Harris's bail proposal, which included adding Ms. Sheila Harry and Ms. Tadeija Harry as a third-party custodians and reducing bail to a cash performance bond of \$5,000 and an unsecured appearance bond. At that hearing, the Court approved Ms. Sheila Harry as a third-party custodian. However, the Court rejected Ms. Tadeija Harry as a third-party custodian on the belief that it would be difficult to supervise Mr. Harris under the proposed plan given the work schedules of the proposed third-party custodians, particularly given Ms. Sheila Harry's night shifts and Ms. Tadeija Harry also caring for a young child. The Court of Appeals reviewed this Court's decision and remanded the case for reconsideration on Ms. Tadeija Harry's appointment as a third-party custodian. The opinion also provided additional observations related to setting monetary bail.

At the December 16, 2021 bail hearing, the Court reconsidered whether to approve Ms. Tadeija Harry as a third-party custodian, granting the request. The Court took the

request for reducing Mr. Harris's monetary bail under advisement, which the Court now addresses.

As the Court of Appeals indicated, the Court must evaluate monetary bail in light of the bail conditions as a whole. Further, courts are obligated to impose the "least restrictive condition or conditions that will reasonably ensure the person's appearance and protect the victim, other persons, and the community."¹ In determining conditions of release, the court shall consider factors including,

- (1) the nature and circumstances of the offense charged;
- (2) the weight of the evidence against the person;
- (3) the nature and extent of the person's family ties and relationships;
- (4) the person's employment status and history;
- (5) the length and character of the person's past and present residence;
- (6) the person's record of convictions and any pending criminal charges;
- (7) the person's record of appearance at court proceedings;
- (8) assets available to the person to meet monetary conditions of release;
- (9) the person's reputation, character, and mental condition;
- (10) the effect of the offense on the victim, any threats made to the victim, and the danger that the person poses to the victim;
- (11) ~~any other facts that are relevant to the person's appearance or the person's danger to the victim, other persons, or the community; and~~
- (12) the pretrial risk assessment provided by a pretrial services officer, if available.²

The statute further provides that there is a rebuttable presumption that there is a substantial risk that the person will not appear and that a person poses a danger to the

¹ Alaska Stat. § 12.30.011(b).

² Alaska Stat. § 12.30.011(c).

community, including for those charged with an unclassified or class A felony (which includes Mr. Harris's charges).³

Additionally, the Court must consider a defendant's ability to pay in setting bail. The Court of Appeals observed that "if the court determines that the monetary bail should be set above the defendant's ability to pay, the court should provide case-specific reasons for why this amount of monetary bail is necessary in addition to whatever other supervision or protective measures may also be in place."⁴ Finally, the Court of Appeals noted the importance of differentiating between the findings necessary for appearance and performance bonds.

Based on the testimony of Mr. Harris and Sheila and Tadeija Harry at the December 16 bail hearing, it appears that even the \$5,000 bail the Defense requests is outside Mr. Harris's ability to pay.

Here, the conditions of release include two third-party custodians and 24-hour PED electronic monitoring.

The nature and the circumstances of the charges weigh heavily in this case. As noted above, Mr. Harris is charged with two counts of murder in the first degree, four counts of murder in the second degree, and one count of robbery in the first degree, as the result of a planned robbery, where one of the victims was an unarmed witness. The crimes were a result of a planned robbery, and Mr. Harris is alleged to have brought a

³ Alaska Stat. § 12.30.011(d)(2).

⁴ *Harris v. State*, A-13844, (Alaska Ct. App. Oct. 28, 2021) (unpublished bail order) (citing *Sergie v. State*, 2021WL 3277199, at *3 (Alaska Ct. App. July 30, 2021)).

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firearm. Further, the crimes were committed with a 5-year old in the residence. These factors indicate both the serious nature of the crime and Mr. Harris's flight risk and his threat to the community and others, even accounting for the bail conditions as a whole.

There also appears to be strong evidence of Mr. Harris's involvement in the crimes, including jail calls where he admitted he was at the residence where the crimes occurred. The Court also notes some other relevant factors, though they do not weigh as heavily as the seriousness of the offenses, including that Mr. Harris does not have a criminal record and that he was 19 years old at the time of the alleged crimes.

Thus, in conclusion, in consideration of the bail proposal as a whole, the statutory factors, Mr. Harris's ability to pay bail, and the parties' arguments, the Court reduces bail to a \$50,000 cash corporate appearance bond and a \$100,000 cash performance bond.

It is so Ordered.

DATED this 4th day of January 2022 in Anchorage, Alaska.

Erin B. Marston

Erin B. Marston
Superior Court Judge

I certify that on 1/4/2022
a copy of the above was mailed to the
parties of record:
DA - Bartritskaia
Weiner
SW
Lauren Wilson, Judicial Assistant